

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 842 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PATEL DHULABHAI TALSIBHAI

Versus

JASUBHAI MANILAL PATEL

Appearance:

MR NS DESAI for the petitioner

MR BR PARIKH for the Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of Decision: 29/03/2000

C.A.V.JUDGMENT

#. This court on 19.7.1996 ordered;

"Heard Mr.Desai for the petitioner and Mr.Parikh for the respondent. The petitioner and the respondent are related to each other and they are fighting for a small strip of land which the petitioner is claiming for passage to go to his

wadaland. The case of the petitioner is that this passage was being enjoyed by his ancestors and now he is being obstructed. The case of the respondent is that the petitioner does have an alternative way. There is no doubt about that but the way is a quite round about. The trial court accepted that the plaintiff can be said to have such a passage but then did not grant the necessary interim relief preventing any obstruction. That order is confirmed in appeal. In my view, the matter requires consideration and hence RULE. Till the hearing and final disposal of this Civil Revision Application, the orders passed by the Courts below will remain stayed and the petitioner will have the right of way as claimed by him in his plaint."

Orders of both the courts below are stayed by this court and interim relief granted by this court is continuing for all these years. This civil revision application has arisen from the Regular Civil Suit No.9/91 in the court of learned Civil Judge (Junior Division), Balasinor. Interest of justice would be served in case this civil revision application is disposed of in the terms that the learned trial court is directed to decide the suit finally within a period of six months from the date of the receipt of the writ of this order or certified copy thereof whichever is earlier. Till the suit is decided, interim relief granted by this court shall continue.

#. Compliance of this order be reported to this court. Civil Revision Application and the rule stand disposed of accordingly with no order as to costs.

(pathan)